UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON, SEATTLE

OMNI INNOVATIONS, LLC, a Washington Limited Liability Company, **Plaintiff,** v. **EFINANCIAL, LLC, a Washington Limited Liability Company, f/k/a PRIMEPLAN, LLC, a Washington Limited Liability Company, also d/b/a TERMFINDER.COM, POLICYMATCH.COM; MICHAEL and KATHLEEN ROWELL and their marital community; and JOHN DOES I-X,** **Defendants,**	**NO.** C06-1118 MJP **JOINT STATUS REPORT**

The parties together hereby submit this Joint Status Report

1. **A statement of the nature and complexity of the case.**

Plaintiff's complaint alleges violations of and seeks statutory damages under the Washington CEMA (RCW 19.190, et seq.), the Washington CPA (RCW 19.86 et seq.); and the Federal Can-Spam Act at 15 USC section 7701 et seq. Plaintiff claims to have received 169 emails from or on behalf of Defendants, in violation of one or

MERKLE SIEGEL & FRIEDRICHSEN
1325 Fourth Ave., Suite 940
Seattle, WA 98101
Phone: 206-624-9392
Fax: 206-624-0717

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more of the cited statutes. Defendants deny liability for the Plaintiff's claims. Due to the volume of anticipated discovery, the parties agree that this is a reasonably complex case.

2. A statement of which ADR method (mediation, arbitration, or other) should be used.

The parties agree on mediation as their alternative dispute resolution method.

3. Unless all parties agree that there should be no ADR, a statement of when mediation or another ADR proceeding under Local Rule CR 39.1 should take place.

The parties agree that mediation should take place at least 120 days prior to trial.

4. A proposed deadline for joining additional parties.

The parties propose a deadline for joining additional parties of March 1, 2007.

5. A proposed discovery plan.

A. Rule 26(f) Conference:

The parties Rule 26(f) Conference occurred on November 20th, 2006. Defendants' Initial Disclosures were served on October 16, 2006. Plaintiff's Initial Disclosures were served on October 23, 2006.

B. Subjects on which discovery is needed and whether discovery should be conducted in phases or be limited:

All matters related to the claims and defenses asserted.

The parties see no apparent reason to limit or phase discovery.

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1325 Fourth Ave., Suite 940
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C. What changes should be made in the limitations on discovery imposed under the Federal and Local Civil Rules, and what other limitations should be imposed:

None.

D. A statement of how discovery will be managed so as to minimize expense:

Use of electronic data transfer where appropriate.

E. Any other orders that should be entered by the Court under FRCP 26(c) or under Local Rule CR 16(b) and (c):

None at this time.

6. The date by which the remainder of the discovery can be completed:

The parties propose a discovery cut-off date of June **1, 2007**. The parties further propose a cut-off date for bringing motions to compel of July **1, 2007.**

7. Whether the parties agree that a full-time magistrate judge may conduct all proceedings, including trial and the entry of judgment, under 28 U.S.C. § 636(c) and Local Rule MJR 13.

The parties do not consent to a full-time Magistrate Judge to conduct all proceedings.

8. Whether the case should be bifurcated by trying the liability issues before the damages issues, or bifurcated in any other way.

The parties agree this matter should not be bifurcated.

9. Whether the pretrial statements and pretrial order called for by Local Rules CR 16(e), (h), (i), and (l) and 16.1 should be dispensed with in whole or in part for the sake of economy.

The parties do not agree to dispense with the pretrial statements and pretrial order.

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1325 Fourth Ave., Suite 940
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10. **Any other suggestions for shortening or simplifying the case.**

None.

11. **The date the case will be ready for trial.**

The parties propose a trial date of October 1, 2007.

12. **Whether the trial will be jury or non-jury.**

Non-jury

13. **The number of trial days required.**

The parties anticipates three (3) to five (5) trial days are required for this case.

14. **The names, addresses, and telephone numbers of all trial counsel.**

For Plaintiff:
Robert J. Siegel, WSBA 17312
Merkle, Siegel, & Friedrichsen, P.C.
1325 Fourth Avenue, Suite 940
Seattle, WA 98101
(206) 624-9392

For Defendants:
Matthew R. Wojcik
Jackson & Wallace LLP
1201 Third Avenue, Suite 3080
Seattle, WA 98104
(206) 859-6440

15. **If on the due date of the Report, all defendants or respondents have not been served, counsel for the plaintiffs shall advise the Court when service will be effected, why it was not made earlier, and shall provide a proposed schedule for the required FRCP 26(f) conference and FRCP 26(a) initial disclosures.**

Plaintiff believes that all known defendants have been served, but Plaintiff reserves the right to seek to discover, identify, name and serve additional John Does on or before the deadline for joining additional parties.

16. **Whether any party wishes a scheduling conference prior to a scheduling order being entered in the case.**

The parties agree that a further scheduling conference, prior to a scheduling order being entered in this case, is not currently necessary.

MERKLE SIEGEL & FRIEDRICHSEN
1325 Fourth Ave., Suite 940
Seattle, WA 98101
Phone: 206-624-9392
Fax: 206-624-0717

DATED this 20th day of November, 2006.

MERKLE, SIEGEL, & FRIEDRICHSEN, P.C.

/s/ Robert J. Siegel
Robert J. Siegel, WSBA #17312
Attorney for Plaintiff

JACKSON & WALLACE LLP

/s/ Matthew Wojcik
Matthew Wojcik, WSBA #27918
Attorney for Defendants

MERKLE SIEGEL & FRIEDRICHSEN
1325 Fourth Ave., Suite 940
Seattle, WA 98101
Phone: 206-624-9392
Fax: 206-624-0717